

REMARKS

The present communication is responsive to the Official Action mailed on September 12, 2003. A one-month extension of the term to reply, up to and including January 12, 2004, is mailed concurrently herewith.

In the Official Action, the Examiner objected to the title of the invention as being not descriptive. As indicated hereinabove, applicants have amended the title to state "APPARATUS AND METHOD FOR PROCESSING PREDETERMINED PROGRAM DATA." Applicants respectfully submit that the title as amended is clearly indicative of the invention to which the claims of the present application are directed.

The Examiner also objected to the drawings for failing to comply with 37 C.F.R. §1.84(p)(5) because FIG. 3 did not show a CAT (conditional access table) as was described in the specification. Applicants have amended FIG. 3 to include a CAT table as is indicated in the attached replacement sheet. FIG. 3 has also been amended to reverse the direction of the arrow between the PAT block and the NIT block. Applicants respectfully submit that these amendments to the drawings do not constitute the addition of new matter. Applicants respectfully request that the Examiner withdraw his objections to the drawings in view of the amendments to FIG. 3. If the Examiner approves of the amendments to FIG. 3 and withdraws his objections, applicants will submit a new formal FIG. 3 thereafter.

In the Official Action, the Examiner rejected the claims on various alternate grounds. First, the Examiner rejected claims 1, 4-6, 8, 11-13 and 15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,188,439 to Kim (hereinafter "the '439 patent"). The Examiner also rejected claims 1-3, 8-10 and 15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,609,251 to Yoneda (hereinafter "the '251 patent"). The Examiner rejected claims 7 and 14 under 35 U.S.C. §103(a) as being unpatentable over the '439 patent in view of U.S. Patent No. 6,172,719 to Kim (hereinafter "the '719 patent"). The Examiner further provisionally rejected claims 1-

5, 8-12 and 15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 8-11 and 15, respectively, of co-pending U.S. Patent Application No. 09/855,345.

Claim 1 has been amended to recite "a memory storing pre-registered user selectable control parameters including at least one parameter corresponding to program genre data; and a setting unit operable to set a control parameter for controlling an image data display or an audio data output of said selected program based on a pre-registered control parameter corresponding to program genre data selected by the user and said related information."

Claim 4 is cancelled.

Claims 8 and 15 have been amended to recite "accessing pre-registered user selectable control parameters including at least one parameter corresponding to program genre data, . . . and setting a control parameter for controlling an image data display or an audio data output of said selected program based on a pre-registered control parameter corresponding to program genre data and said related information."

Applicants respectfully submit that the amendments to claims 1, 8 and 15 do not constitute the addition of new matter. In particular, antecedent basis for these amendments may be found, for example, by reference to paragraphs [0055] and [0056].

With regard to the Examiner's rejection of claims 1, 4-6, 8, 11-13 and 15 under 35 U.S.C. §102 as being anticipated by the '439 patent, applicants respectfully submit that the Examiner's grounds for rejection are now moot in view of the amendments to claims 1, 8 and 15. In particular, the '439 patent does not include any disclosure that teaches or suggests "a memory storing pre-registered user selectable control

parameters including at least one parameter corresponding to program genre data" as is now recited in claim 1. Further in this regard, the '439 patent does not teach or suggest "accessing pre-registered user control parameters including at least one parameter corresponding to program genre data."

The '439 discloses "a broadcast signal receiving device and method thereof in which genre data is detected to automatically convert to appropriate video and audio conditions for a given program." [Emphasis Added] ('439 patent, col. 1, lns. 37-41.) As such, in accordance with the '439 patent, once a user selects a channel to be viewed, the genre data is automatically decoded from the video signal and used to control the video and audio signals. (*Id.*, col. 3, lns. 11-50.) Thus, in accordance with the '439 patent, the user is able to select only the channel to be viewed. Applicants therefore respectfully submit that the '439 patent neither teaches nor suggests the combination claimed in claims 1, 8 or 15. In addition, as all the other pending claims depend from either claim 1 or claim 8, applicants also respectfully submit that these claims are not anticipated or obviated by the '439 patent.

With regard to the Examiner's rejection of claims 1-3, 8-10 and 15 as being anticipated by the '251 patent, applicants respectfully submit that the '251 patent does not teach or suggest "a memory storing pre-registered user selectable control parameters including at least one parameter corresponding to program genre data" as is now recited in claim 1. Applicants also respectfully submit that the '251 patent does not teach or suggest "accessing pre-registered user control parameters including at least one parameter corresponding to program genre data" as is now recited in claims 8 and 15. Applicants respectfully submit that the '251 patent allows the user to

select only the channel or program to be viewed. (See for example, '251 patent, col. 3, lns. 64-67; col. 5, lns. 15-19; col. 22, lns. 41-44.)

With regard to the Examiner's rejection of claims 7 and 14 as being unpatentable over the '439 patent in view of the '719 patent, applicants respectfully submit that the '719 patent does not make up for the deficiencies in the '439 patent as discussed hereinabove. In particular, applicants agree with the Examiner that "Kim [the '439 patent] discloses. . . a system [in] which the genre data of the broadcasting signal detected is automatically converted into an appropriate signal according to a control signal previously stored in memory to provide the best condition for the video and audio signal." [Emphasis Added] (Official Action, pg. 12) As such, the '439 patent does not allow control of the image data displayed or the audio data output of a selected program "based on a pre-registered control parameter corresponding to program genre data" which are "user selectable" as is now recited in the claims - in particular, claims 1, 8 and 15. The '719 patent does not overcome this deficiency in the '439 patent because, as stated by the Examiner, the '719 patent "discloses a system which adjusts the color of the display picture based on the environmental temperature of the video appliance." [Emphasis Added] (*Id.*) Thus, the '719 patent also does not allow for "user selectable control parameters including at least one parameter corresponding to program genre data," as recited in claims 1, 8 and 15.

Based on the foregoing, applicants respectfully submit that the '439, '251 and '719 patents do not anticipate or obviate, either individually or in combination, any of the claims presently pending in the application. In particular,

these patents, either individually or in combination, do not disclose all the limitations recited in claims 1, 8 and 15. In addition, because all the other claims depend from either claim 1 or 8, these claims are also not anticipated or obviated for at least the same reason.

Turning now to the Examiner's provisional double patenting rejection, applicants are filing concurrently herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c). Applicants respectfully submit that, as the terminal disclaimer is timely filed, the Examiner's rejection on double patenting grounds is now moot.

With regard to U.S. Patent No. 6,411,335 to Jang (hereinafter "the '335 patent"), applicants respectfully submit, as noted by the Examiner, that this patent "discloses an image reproducing apparatus and method for setting and automatically changing audio and visual setting for a plurality of channels." [Emphasis Added] (*Id.*, pg. 19) In this regard, applicants respectfully submit that the '335 patent does not make up for any of the deficiencies of the prior art made of record and relied on by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.


Application No.: 09/854,287

Docket No.: SONYJP 3.0-164

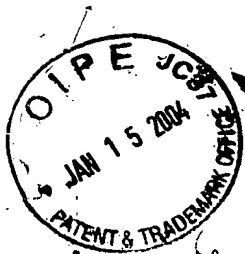
If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 12, 2004

Respectfully submitted,

By 
Orville R. Cockings
Registration No.: 42,424
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

467121_1.DOC



Drawn by

Approved by

AP 06/07

FIG. 3

